

**MINUTES**  
*Arizona Supreme Court*  
**Tuesday, January 7, 2014**

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No. 4236

**CR-13-0197-PR**

(1)

**STATE OF ARIZONA v BERRY WILLIAMS**

*Court of Appeals, Division One*

*1 CA-CR 11-0813*

ORDERED: The State of Arizona's Petition for Review = DENIED.

Vice Chief Justice Bales did not participate in the determination of this matter.

**CR-13-0270-PR**

(2)

**STATE OF ARIZONA v DAVID LEE LAMB**

*Court of Appeals, Division One*

*1 CA-CR 12-0326*

ORDERED: Petition for Review = DENIED.

**CV-13-0180-PR**

(3)

**THE HOPI TRIBE v CITY OF FLAGSTAFF**

*Court of Appeals, Division One*

*1 CA-CV 12-0370*

ORDERED: The City of Flagstaff, Arizona's Petition for Review = DENIED.

**CV-13-0205-PR**

(4)

**JAMES HAMM/DONNA HAMM v CHARLES RYAN**

*Court of Appeals, Division One*

*1 CA-CV 12-0130*

ORDERED: Petition for Review = DENIED.

Vice Chief Justice Bales did not participate in the determination of this matter.

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**CV-13-0213-PR**  
(5)

**JERRY COOK v TOWN OF PINETOP-LAKESIDE**

*Court of Appeals, Division One*

*1 CA-CV 12-0258*

ORDERED: Petition for Review by Appellee-Petitioner Town of Pinetop-Lakeside = DENIED.

**CV-13-0241-PR**  
(6)

**IN RE MH2012-002480**

*Court of Appeals, Division One*

*1 CA-MH 12-0077*

ORDERED: Petition for Review = DENIED.

**CV-13-0245-PR**  
(7)

**CLARA HUYGHUE v HON. BERNINI/STATE OF ARIZONA**

*Court of Appeals, Division Two*

*2 CA-SA 13-0050*

ORDERED: Request for Oral Argument = DENIED.

FURTHER ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals, Division Two = DENIED.

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**CV-13-0252-PR**  
(8)

**JULIE ANGULO v CITY OF PHOENIX**

*Court of Appeals, Division One*

*1 CA-CV 12-0603*

ORDERED: Request for Oral Argument = DENIED.

FURTHER ORDERED: Appellant's Petition for Review = DENIED.

Justice Pelander and Justice Brutinel voted to grant review.

**CV-13-0255-PR**  
(9)

**ESTATE OF CHASAN v FARMERS INSURANCE EXCHANGE et al**

*Court of Appeals, Division One*

*1 CA-CV 12-0397*

ORDERED: Cynthia Chasan's Petition for Review Re: Farmers Insurance Company of Arizona and Farmers Insurance Exchange= DENIED.

**CV-13-0265-PR**  
(10)

**DAVID WHITE v KELLY WHITE/STATE ex rel ADES**

*Court of Appeals, Division One*

*1 CA-CV 12-0523*

ORDERED: Petition for Review = DENIED.

Vice Chief Justice Bales did not participate in the determination of this matter.

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**CR-13-0201-PR**  
(11)

**STATE OF ARIZONA v BRADY WHITMAN JR**

*Court of Appeals, Division Two*

*2 CA-CR 12-0006*

ORDERED: The State of Arizona's Petition for Review = GRANTED.

FURTHER ORDERED: Cross-Petition for Review = DENIED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 20 days from the date of this Court's Minute Letter.

**CR-13-0214-PR**  
(12)

**STATE OF ARIZONA v JAMES JOSEPH STARK**

*Court of Appeals, Division One*

*1 CA-CR 11-0625*

ORDERED: Petition for Review = DENIED.

**CR-13-0229-PR**  
(13)

**STATE OF ARIZONA v GLEN JAMES COOPER**

*Court of Appeals, Division One*

*1 CA-CR 12-0467*

ORDERED: Petition for Review = DENIED.

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**CR-13-0249-PR**  
(14)

**STATE OF ARIZONA v FERNANDO ALFREDO TORRES-AGUIRRE**  
*Court of Appeals, Division One*                      *1 CA-CR 12-0323*

ORDERED: Appellant's Petition for Review = DENIED.

**CR-13-0261-PR**  
(15)

**STATE OF ARIZONA v JESUS XAVIER ALMAGUER**  
*Court of Appeals, Division Two*                      *2 CA-CR 11-0249*

ORDERED: Petition for Review by Supreme Court = DENIED.

**CR-13-0287-PR**  
(16)

**STATE OF ARIZONA v NATHAN ALAN GUNN**  
*Court of Appeals, Division One*                      *1 CA-CR 12-0276*

ORDERED: Petition for Review = DENIED.

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**CV-13-0247-PR**  
(17)

**WILDEARTH GUARDIANS v BAIER/KNIGHT**

*Court of Appeals, Division One*

*1 CA-CV 12-0338*

ORDERED: Request for Clarification = GRANTED.

FURTHER ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Galyn and Roxanne Knight's Cross-Petition for Review = DENIED.

FURTHER ORDERED: Renewed Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant/Cross-Appellee WildEarth Guardians) = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellees/Cross-Appellants Knight) = DENIED.

**CV-13-0254-PR**  
(18)

**PETER WORKUM v HON. GATES/STATE OF ARIZONA**

*Court of Appeals, Division One*

*1 CA-SA 13-0171*

ORDERED: Request for Oral Argument = DENIED.

FURTHER ORDERED: Petition for Review of Special Action = DENIED.

**CV-13-0259-PR**  
(19)

**IN THE MATTER OF IVY Y.**

*Court of Appeals, Division One*

*1 CA-MH 13-0009*

ORDERED: Petition for Review by the Arizona Supreme Court = DENIED.

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**CV-13-0260-PR**  
(20)

**JOHN C LINCOLN HEALTH NETWORK v HON. FINK/TOM**  
*Court of Appeals, Division One*                      *1 CA-SA 13-0185*

ORDERED: Motion to File Response to Petition for Review and All Associated Documents Under Seal = GRANTED.

FURTHER ORDERED: Benton O'Neal, M.D., et ux. and Arizona EM-I Medical Services, P.C.'s Motion for Joinder in Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

FURTHER ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

**CV-13-0262-PR**  
(21)

**EAST VALLEY DISASTER SERVICES v OLEG AWSIENKO**  
*Court of Appeals, Division One*                      *1 CA-CV 12-0565*

ORDERED: Petition for Review = DENIED.

**CV-13-0269-PR**  
(22)

**TP RACING/SIMMS v SIMMS/RASCD**  
*Court of Appeals, Division One*                      *1 CA-CV 12-0306*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellants TP Racing/J. & S. Simms) = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellees R. Simms/RASCD) = DENIED.

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**CR-13-0245-PR**  
(23)

**STATE OF ARIZONA v JOSHUA DAVID NELSON**  
*Court of Appeals, Division Two*                      2 CA-CR 12-0226

ORDERED: Appellant's Petition for Review = CONTINUED.

**CR-13-0257-PR**  
(24)

**STATE OF ARIZONA v RENETTA KING**  
*Court of Appeals, Division One*                      1 CA-CR 12-0183

ORDERED: Petition for Review to Arizona Supreme Court = DENIED.

**CR-13-0296-PR**  
(25)

**STATE OF ARIZONA v PEDRO MARRUFO ONTIVEROS**  
*Court of Appeals, Division Two*                      2 CA-CR 12-0440

ORDERED: Petition for Review by Supreme Court = DENIED.



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**CR-13-0302-PR**  
(26)

**STATE OF ARIZONA v SERGIO F GONZALES BARRERA**  
*Court of Appeals, Division Two*                      *2 CA-CR 13-0164 PRPC*

ORDERED: Petition for Review from Denial of Post Conviction Relief =  
DENIED.

FURTHER ORDERED: The Court of Appeals' Opinion shall not be published,  
pursuant to Rule 111(g), Arizona Rules of the Supreme Court.

**CV-13-0220-PR**  
(27)

**RYAN ALLEN RYYTH v HONS. McCLENNEN/ORTIZ/STATE**  
*Court of Appeals, Division One*                      *1 CA-SA 13-0139*

ORDERED: Petition for Review of Special Action Decision of the Court of  
Appeals = DENIED.

**CV-13-0226-PR**  
(28)

**JEREMY HASS v HONS. McCLENNEN/DODGE/STATE**  
*Court of Appeals, Division One*                      *1 CA-SA 13-0127*

ORDERED: Request for Oral Argument = DENIED.

FURTHER ORDERED: Petition for Review Re: Court of Appeals Order  
Declining Special Action Jurisdiction = DENIED.

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**CV-13-0271-PR**  
(29)

**JEFFREY RYAN CONNOR v HON. FELL/STATE OF ARIZONA**  
*Court of Appeals, Division Two*                      2 CA-SA 13-0066

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

**CV-13-0286-PR**  
(30)

**JAMES THIELE v CITY OF PHOENIX/MICHAEL SIMMONS**  
*Court of Appeals, Division One*                      1 CA-CV 11-0769

ORDERED: Motion to Strike Response to Petition for Review = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

**CR-13-0289-PR**  
(31)

**STATE OF ARIZONA v ANDRE T LIGHTSEY-COPELAND**  
*Court of Appeals, Division Two*                      2 CA-CR 11-0389

ORDERED: Petition for Review to Arizona Supreme Court = DENIED.

**CR-13-0291-PR**  
(32)

**STATE OF ARIZONA v BENJAMIN NAJERA JR**  
*Court of Appeals, Division Two*                      2 CA-CR 13-0222 PRPC

ORDERED: Petition for Review Pursuant to Rule 31.19 = DENIED.

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No. 4236

**CR-13-0300-PR**  
(33)

**STATE OF ARIZONA v ROBERT FRANCISCO BORQUEZ**  
*Court of Appeals, Division Two*                      2 CA-CR 12-0184

ORDERED: Petition for Review = DENIED.

**CR-13-0317-PR**  
(34)

**STATE OF ARIZONA v TIGER FLOWERS JR**  
*Court of Appeals, Division One*                      1 CA-CR 12-0286

ORDERED: Petition for Review = DENIED.

**CV-13-0209-PR**  
(35)

**AREK FRESSADI v TOWN OF CAVE CREEK**  
*Court of Appeals, Division One*                      1 CA-CV 12-0238

ORDERED: Petition for Review = DENIED.

**CV-13-0235-PR**  
(36)

**DESERT GARDENS HOLDINGS v HARJIT SINGH/MANJIT KAUR**  
*Court of Appeals, Division One*                      1 CA-CV 12-0591

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee Desert Gardens Holdings) = GRANTED.

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ORDERED: Petition for Review = DENIED.

**STATE v HONS. WELTY/CHAVEZ/KOONTZ/GILL**  
*Court of Appeals, Division One* *1 CA-SA 13-0145*  
*1 CA-SA 13-0155*

ORDERED: Petition for Review = GRANTED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 20 days from the date of this Court's Minute Letter.

**PETER YURKA v BARBARA YURKA**  
*Court of Appeals, Division One* *1 CA-CV 12-0341*

ORDERED: Petition for Review = DENIED.

**FURTHER ORDERED: Request for Attorneys' Fees (Appellee P. Yurka) = DENIED.**

**FURTHER ORDERED: Request for Attorneys' Fees (Appellant B. Yurka) = DENIED.**

Vice Chief Justice Bales did not participate in the determination of this matter.

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No. 4236

**CV-13-0366-PR**  
(40)

**ALBERT MARTINEZ CARREON v HON. WELTY/STATE**  
*Court of Appeals, Division One*                      *1 CA-SA 13-0306*

ORDERED: Request for Oral Argument = DENIED.

FURTHER ORDERED: Motion to Strike Notice of Appearance of Ridenour, Hinton & Lewis, PLLC = DENIED.

FURTHER ORDERED: Petition for Special Action (Treated as Petition for Review) = DENIED.

**CV-13-0167-PR**  
(41)

**JACOBY A./JAMISON A. v HON. WOODS/ADES et al**  
*Court of Appeals, Division Two*                      *2 CA-SA 13-0030*

ORDERED: Minors' Petition for Review of a Special Action Decision of the Court of Appeals = CONTINUED.



**The foregoing action was taken by the Arizona Supreme Court on Tuesday, January 7, 2014.**

\_\_\_\_\_ **Date:** \_\_\_\_\_  
**Rebecca White Berch, Chief Justice**